

Aug 21, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAMES ANTHONY WILLIAMS,  
Plaintiff,

v.

STEPHEN SINCLAIR,  
Defendant.

4:19-cv-05026-SAB

**ORDER DENYING LEAVE TO  
PROCEED *IN FORMA*  
*PAUPERIS* AND DISMISSING  
ACTION**

By Order filed July 16, 2019, the Court directed Plaintiff to show cause why his application to proceed *in forma pauperis* should not be denied. ECF No. 9. In the alternative, Plaintiff was instructed that he could pay the \$400.00 fee (\$350.00 filing fee, plus \$50.00 administrative fee) to commence this action under 28 U.S.C. § 1914. He did not do so.

Plaintiff, a *pro se* prisoner currently housed at the Monroe Correctional Complex – Special Offenders Unit, has brought at least three other cases that were dismissed for failure to state a claim. *See* ECF No. 9 at 2. Consequently, he lost the privilege of filing additional suits *in forma pauperis* unless he could demonstrate that he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g); *Andrews v. Cervantes*, 493 F.3d 1047, 1053 (9th Cir. 2007). Plaintiff did not make this showing.

Therefore, **IT IS ORDERED** Plaintiff’s application to proceed *in forma pauperis*, ECF No. 2, is **DENIED**. Because Plaintiff did not pay the \$400.00 fee as  
**ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS* AND  
DISMISSING ACTION -- 1**

1 instructed in the Court's prior Order, **IT IS FURTHER ORDERED** this action is  
2 **DISMISSED** for non-payment of the filing fee as required by 28 U.S.C. § 1914.

3 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
4 enter judgment, provide a copy to Plaintiff, and close the file. The Court certifies  
5 any appeal of this dismissal would not be taken in good faith.

6 **DATED** this 21<sup>st</sup> day of August 2019.  
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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

15 Stanley A. Bastian  
16 United States District Judge  
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